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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,922	06/29/2006	Satoshi Matsubayashi	062663	1322

38834 7590 08/20/2010

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EXAMINER	
STEWART, KIMBERLY ANN	

ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
08/20/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary	Application No.	Applicant(s)	
	10/584,922	MATSUBAYASHI ET AL.	
	Examiner	Art Unit	
	KIMBERLY A. STEWART	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 August 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11,13-17,19 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11,13-17,19 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is a non-final Office action in response to the After Final amendment (arguments, no amended claims) submitted on 8-4-2010.

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 11, 13-17,19-20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 7,653,984 ('984). Although the conflicting claims are not identical, they are not patentably distinct from each other because '984 claims a method for resin sealing magnets in a laminated rotor core, including generally: placing magnets in insertion holes in a laminated rotor, sealing magnets in with melted resin by heating, with resin pots placed in an upper die, where said pots are arranged radially inward with respect to the insertion holes, such pots having plungers that move vertically, and heating the laminated core with induction heating.

4. '984 does not explicitly claim that resin passages/runners run along the underside/bottom of the upper die. However, since the resin pots with plungers may be placed/formed in the upper die (with the core and its holes beneath such upper die), and are supposed to extend to a surface thereof that contacts the rotor core, the resin passages would logically only be located in a limited number of places near the pots,

and above the core with holes, such limited places/locations including along the undersurface of the upper die, which would be below the resin pots and above the holes in the core.

5. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of '984 to include placing/forming the resin passages along the underside of the upper die, because it is one of a finite number of places for the resin passages to be located to be useful for placing the resin in the insertion holes in the core according to the particular claimed arrangement of pots and core with holes, and a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. KSR Int'l Co v. Teleflex Inc., 127 S.Ct. 1727, 82 USPQ 2d 1385 (2007).

6. Claims 11, 13-17, 19-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of copending Application No. 12/635,094 ('094), also now US 2010/0083486. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims a method for resin sealing magnets in a laminated rotor core, including generally: placing magnets in insertion holes in a laminated rotor, sealing magnets in with melted resin by heating, with resin pots placed in an upper die, where said pots are arranged radially inward with respect to the insertion holes, such pots having plungers that move vertically, and heating the laminated core with induction heating.

7. '094 does not explicitly claim that resin passages/runners run along the underside/bottom of the upper die. However, since the resin pots with plungers may be placed/formed in the upper die (with the core and its holes beneath such upper die), and are supposed to extend to a surface thereof that contacts the rotor core, the resin passages would logically only be located in a limited number of places near the pots, and above the core with holes, such limited places/locations including along the undersurface of the upper die, which would be below the resin pots and above the core with the insertion holes.

8. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of '094 to include placing/forming the resin passages along the underside of the upper die, because it is one of a finite number of places for the resin passages to be located to be useful for placing the resin in the insertion holes in the core according to the particular claimed arrangement of pots and core with holes, and a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. KSR Int'l Co v. Teleflex Inc., 127 S.Ct. 1727, 82 USPQ 2d 1385 (2007).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY A. STEWART whose telephone number is (571)270-7004. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Del Sole can be reached on (571)272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kas

/Joseph S. Del Sole/

Supervisory Patent Examiner, Art Unit 1791